

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KALIM T. WILSON,

Defendant.

Case No. 00-cr-40070-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Kalim T. Wilson's ("Wilson") motions for leave to proceed on appeal *in forma pauperis* (Docs. 48 & 51). Wilson is appealing the Court's denial of his motion for a free copy of the docket sheet, the indictment and his guilty plea and sentencing transcripts.

A federal court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). A frivolous appeal cannot be made in good faith. *Lee v. Clinton*, 209 F.3d 1025, 1026-27 (7th Cir. 2000). The test for determining if an appeal is in good faith or not frivolous is whether any of the legal points are reasonably arguable on their merits. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (citing *Anders v. California*, 386 U.S. 738 (1967)); *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000).

The Court is satisfied from Wilson's affidavit that he is indigent. It is not satisfied, however, that his appeal is reasonably arguable on the merits and taken in good faith. For this reason, the Court hereby **DENIES** the motions for leave to proceed on appeal *in forma pauperis* (Docs. 48 & 51).

IT IS SO ORDERED.

DATED: December 14, 2007

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE